

Holcomb seeks injunctive relief including her immediate release. See id. at 7.

“[H]abeas corpus does not lie, absent special circumstances, to adjudicate the merits of an affirmative defense to a state criminal charge prior to a judgment of conviction by a state court.” Braden v. 30th Jud. Cir. Court, 410 U.S. 484, 489 (1973) (quotation omitted); see Younger v. Harris, 401 U.S. 37, 43 (1971). In Braden, the Supreme Court allowed a pretrial detainee’s habeas petition to proceed because the petitioner “was not attempting to litigate the merits of an affirmative defense to his state prosecution. Rather, [the petitioner’s] habeas petition simply asked the federal courts to enforce the state’s obligation to provide him with a state court forum.” Brown v. Ahern, 676 F.3d 899, 902 (9th Cir. 2012) (cleaned up).


Holcomb does not plausibly allege any deficiency in the state judicial process that qualifies as a “special circumstance” under Braden. To the extent Holcomb alleges she is a sovereign citizen or that the Cestui Que Vie Act of 1666 applies, the arguments are baseless. See Merritt v. Administrator, Greenville Cnty. Det. Ctr., No. 4:22-cv-2881, 2022 WL 18356338, at *2 n.2 (D.S.C. Nov. 17, 2022) (unpublished), report and recommendation adopted, 2023 WL 207331 (D.S.C. Jan. 17, 2023) (unpublished); Naja v. Zahir, Nos. 3:21-cv-361, 3:21-cv-547, 3:21-cv-586, 3:21-cv-588, 3:21-cv-601, 3:21-cv-644 (DJN), 2021 WL 5348671, at *6 (E.D. Va. Nov. 16, 2021) (unpublished); Olshefsky v. Bergan, No. 2:21-cv-00591, 2021 WL 2228711, at *3–5 (D.S.C. Apr. 15, 2021) (unpublished), report and recommendation adopted, 2021 WL 1747916 (D.S.C. May 4, 2021) (unpublished); Sharma v. Unknown Respondent, No. 5:15-HC-2209, 2016 WL 8667801, at *1–2 (E.D.N.C. Mar. 30, 2016) (unpublished), appeal dismissed, 672 F. App’x 308 (4th Cir. 2017) (per curiam) (unpublished). Thus, the court dismisses the petition.

In sum, the court DISMISSES petitioner’s application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 [D.E. 4]. The court DENIES AS MOOT petitioner’s motion to stay lower court

proceedings [D.E. 7]. The court DENIES a certificate of appealability. See 28 U.S.C. § 2253(c); Miller-El v. Cockrell, 537 U.S. 322, 336–38 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

The clerk shall close the case.

SO ORDERED. This 19 day of July, 2023.



JAMES C. DEVER III
United States District Judge